

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION

New York Regional Office
Brookfield Place, 200 Vesey Street, Suite 400
New York, NY 10281-1022

October 21, 2019

Via ECF

Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

*Application granted
Sponsored
SPP/MS/10/21/19
10-21-19*

Re: SEC v. Telegram Group Inc. & TON Foundation Inc., No. 19 Civ. 9439 (PKC)

Dear Judge Castel:

Plaintiff Securities and Exchange Commission (“Commission”) respectfully submits this letter to seek additional time, from October 21, 2019 to October 23, 2019, to move to file certain documents under seal and in redacted form on ECF. Counsel for Defendants consent to this request.

On October 17, 2019, the Commission submitted a letter to the Court, Dkt. No. 17, apprising the Court of its efforts to resolve with the Defendants and various non-parties issues relating to the scope of potential redactions to twelve exhibits to the declaration of Commission attorney Daphna Waxman submitted in support of the Commission’s Emergency Application for an Order to Show Cause, Temporary Restraining Order and Order Granting Expedited Discovery and Other Relief against Defendants Telegram Group Inc. and Ton Issuer Inc. (the “Application”). The twelve exhibits contain information that is potentially entitled to confidential treatment on privacy and/or proprietary information grounds. In its October 17 letter, the Commission noted that it had been diligently attempting to work out an agreement with the entities whose documents are at issue as to what to seek to file under seal and in redacted form on ECF, while still meeting the standards for non-disclosure set forth in *Lugosch v. Pyramid Company of Onondaga*, 435 F.3d 110 (2d Cir. 2006). The Commission stated that it hoped to resolve these issues by today and requested permission to submit a proposed motion for an Order to file these documents under seal and in redacted form on ECF by this date.

Since that letter was filed, we have significantly narrowed the issues in dispute. However, there remain disputed issues as to four documents that we hope to resolve or at least significantly narrow shortly. One of the affected non-parties has asked that the Commission request two additional days to file the motion to seal in the hope that we can narrow or eliminate the issues for the Court to resolve. This is the second request for additional time to file the motion to seal. We therefore respectfully request until Wednesday, October 23, 2019, to file the motion to seal.

The Honorable P. Kevin Castel
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Respectfully submitted,

/s/ Kevin P. McGrath
Kevin P. McGrath
Senior Trial Counsel
Securities and Exchange Commission

cc (via ECF Only): Counsel for Defendants